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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOARD OF PATENT APPEALS AND INTERFERENCES

#2/letter
7/10/01
V. Vannael

Applicant : Fazan et al.

Appl. No. : 09/037,945

Filed : March 10, 1998

For : STREAMLINED FIELD
ISOLATION PROCESS

Examiner : George Fourson

) Group Art Unit 2823

) CERTIFICATE OF FAX TRANSMISSION

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) July 5, 2001

) (Date)

) Thomas F. Sinegal, Jr., Reg. No. 20,732

**REQUEST FOR RECONSIDERATION OF NOTIFICATION
OF NON-COMPLIANCE WITH 37 CFR 1.192(c)**Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

Appellants hereby request reconsideration of the Notification of Non-Compliance with 37 CFR 1.192(c) mailed June 20, 2001, of the Appeal Brief filed March 27, 2001. In particular, the Notification states that the Brief does not contain a response to the provisional rejection of Claims 1 and 4 under the judicially created Doctrine of Obvious Double-Patenting over Claims 1, 4 and 5 of co-pending application Serial No. 08/565,991. Furthermore, the Notification states that the Brief also does not contain arguments addressing that rejection.

In that the rejection was a provisional rejection, in Appellants' view, it was not subject matter necessary to be included in Appellants' Appeal Brief. Furthermore, application Serial No. 08/565,991 has a serial number that appears to indicate it having been filed later than the instant

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application's parent application which has Serial No. 08/519,451, from which the instant application is a continuation. Thus, it would also appear for that reason that, were it not a provisional rejection, the rejection would also be improper.

It is respectfully requested that the Examiner reconsider the Notification of Non-Compliance, and confirm that the Appeal Brief filed on March 27, 2001, is in compliance with 37 CFR 1.192(c). Reconsideration of the Appeal Brief on its merit is respectfully requested.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/5/01

By: 

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